

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. Sept. 2008

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JILL BARBER,

11-cv-3350 (CS)

Plaintiff(s),

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

- against -

A & J HOMETOWN OIL, INC., JAMES ARNOTT,
JR., individually, and JAMES A. ARNOTT, III,
Individually,

Defendant(s).

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The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case is to be tried to a jury.

Joinder of additional parties must be accomplished by February 28, 2013.

Plaintiff will request permission to move to amend the Complaint by August 20, 2012 unless Defendants consent. Defendants will respond by September 7, 2012. If necessary, Plaintiff will move for leave to amend the Complaint by October 8, 2012. Opposition will be served by October 29, 2012. The Reply will be served by November 12, 2012. Appearance on the motion is scheduled for December 11, 2012 at 3:30 p.m., if required.

Provided that Defendants consent to the filing of the Second Amended Complaint, discovery will

proceed as follows:

Discovery:

1. Interrogatories are to be served by all counsel no later than October 15, 2012, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 (shall) (shall not) apply to this case.
2. First request for production of documents, if any, to be served no later than October 15, 2012
3. Depositions to be scheduled by February 28, 2013.
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than January 31, 2013.
5. Requests to Admit, if any to be served no later than February 28, 2013.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are not attached and made a part hereof.
7. All discovery is to be complete by March 29, 2013.

Any motions should be filed in accordance with the Court's Individual Practices.

Next Case Management Conference April 11, 2013 at 10:45 a.m.
(This date will be set by the Court at the first conference)

Requests for permission to move for summary judgment shall be submitted March 28, 2013. Responses by April 8, 2013

Should defendants agree to mediation, appropriate changes will be made to the discovery schedule.

This case has been designated to the Hon. *Paul Dawson*, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

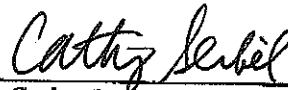
This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plains, New York

8/8/12



Cathy Seibel, U.S. District Judge